IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2669 of 2007

CRIME NO.110/07 OF KUMILY POLICE STATION

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PETITIONER/5TH ACCUSED:

MATHEW @ PAPPACHAN, S/O.LATE JOSEPH,
AGED 73, KARACKATTU HOUSE,
VELLARAMKUNNU P.O., KUMILY.

BY ADV. SRI.RAJU JOSEPH

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, KUMILY
POLICE STATION, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.A.SALAM

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2669 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the fifth accused in Crime No.110/07 of Kumily Police Station, registered for offences under Sections 143, 147, 148, 323, 324 and 326 IPC read with Section 149 thereof. According to the petitioner, the fifth accused Pappachan, mentioned in the FIR, is actually not him, but, he has moved this bail application as the police said that he is the fifth accused in the case. Considering the entire circumstances of the case, I am of the view that anticipatory bail can be granted to the petitioner, a senior citizen, imposing stringent conditions, however, considering the gravity of the offences.

In the result, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the

Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv